

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

EARL SYLVESTER,

Defendant.

Case No. 14-10369

Hon. Gerald E. Rosen

Magistrate Judge Michael Hluchaniuk

**ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on February 9, 2015

PRESENT: Honorable Gerald E. Rosen
Chief Judge, United States District Court

On January 8, 2015, Magistrate Judge Michael Hluchaniuk issued a Report and Recommendation ("R & R") recommending (i) that the Court grant the Plaintiff United States of America's motion for summary judgment as to its claim against Defendant Earl Sylvester and for dismissal of the counterclaim filed by the *pro se* Defendant against Plaintiff, and (ii) that the Court deny Defendant's motion for summary judgment as to his counterclaim. No objections have been filed to the R & R, and the 14-day deadline for doing so has passed. Upon reviewing the R & R, the parties' underlying motions, and the record as a whole, the Court concurs in the analysis of the Magistrate Judge, and adopts the R & R in its entirety.

Accordingly,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's January 8, 2015 Report and Recommendation (docket #23) is ADOPTED as the opinion of this Court. IT IS FURTHER ORDERED, for the reasons stated in the R & R, that Plaintiff's May 14, 2014 motion for summary judgment as to its claim against Defendant and for dismissal of Defendant's counterclaim (docket #9) is GRANTED, and that Defendant's June 20, 2014 motion for summary judgment (docket #13) is DENIED.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: February 9, 2015

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 9, 2015, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5135